

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Ellen Hana Abdur-Rahim, et al.,

Plaintiffs,

v.

**Civil Action No: 2:22-cv-2286
Judge Algenon L. Marbley
Magistrate Judge Kimberly A. Jolson**

The City of Columbus, et al.,

Defendant.

RULE 26(f) REPORT

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on August 12, 2022 and was attended by:

Brian R. Noethlich, counsel for plaintiff(s) _____,

Alana V. Tanoury, counsel for defendant(s) _____,

Westley M. Phillips, counsel for defendant(s) _____,

Sheena D. Rosenberg, counsel for defendant(s) _____,

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. **CONSENT TO MAGISTRATE JUDGE**

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

____ Yes **X** No

2. **INITIAL DISCLOSURES**

Have the parties agreed to make initial disclosures?

X Yes ____ No ____ The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by **October 31, 2022**.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

_____ Yes **X** No

If yes, describe the issue:

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by _____.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by **12/31/2022**.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by _____.

5. MOTIONS

- a. Are there any pending motion(s)?

_____ Yes **X** No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

- b. Are the parties requesting expedited briefing on the pending motion(s)?

_____ Yes **X** No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

This action alleges that Columbus Police Officers and the City of Columbus committed common law torts and violated Plaintiffs' constitutional rights by using excessive force and unlawfully retaliating against them during the George Floyd protests starting in May of 2020 in Columbus, Ohio. Plaintiffs have demanded a trial by jury.

Defendants deny that they committed common law torts and/or violated Plaintiffs' constitutional rights. Defendants have also demanded a trial by jury.

7. DISCOVERY PROCEDURES

- a. The parties agree that all fact discovery shall be completed by 8/15/2023. The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.

- b. Do the parties anticipate the production of ESI? X Yes _____ No

If yes, describe the protocol for such production: **The parties will cooperate in formulating an ESI protocol, if necessary, and will promptly raise any issues with the Court.**

- c. Do the parties intend to seek a protective order or clawback agreement? **Yes.**

If yes, such order or agreement shall be produced to the Court by 9/15/2022.

8. DISPOSITIVE MOTIONS

- a. Any dispositive motions shall be filed by February 15, 2024.

- b. Are the parties requesting expedited briefing on dispositive motions?

_____ Yes X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____

9. EXPERT TESTIMONY

- a. Primary expert reports must be produced by 9/30/2023.

- b. Rebuttal expert reports must be produced by 11/30/2023.

- c. Expert discovery period. **The parties may conduct expert depositions up to December 30, 2023.**

10. SETTLEMENT

Plaintiff(s) will make a settlement demand by 9/30/2023. Defendant will respond by 11/30/2023. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request the following month and year:

December 2023

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

 Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place in chambers by telephone.

X No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

The parties agree that Plaintiffs' counsel will submit their fees and costs to defendants on a quarterly basis starting on September 30, 2022.

Signatures:

Attorney for Plaintiff(s):

/s/ Brian R. Noethlich
Brian R. Noethlich (0086933)
Sanford A. Meizlish (0002620)
Jason C. Cox (0095169)
Robert E. DeRose (0055214)
Barkan Meizlish DeRose Cox, LLP
4200 Regent Street Suite 210
Columbus, OH 43219
PH: 614-221-4221
FAX: 614-744-2300
bnoethlich@barkanmeizlish.com
Attorney for Plaintiffs

Attorney for Defendant(s):

/s/ Alana Valle Tanoury (per authority)
Alana Valle Tanoury (0092265)
Westley M. Phillips (0077728)
Sheena D. Rosenberg (0088137)
Alexandra N. Pickerill (0096758)
CITY OF COLUMBUS, DEPARTMENT OF LAW
77 North Front Street
Columbus, OH 43215
PH: 614-645-7385
FAX: 614-645-6949
avtanoury@columbus.gov
wmphillips@columbus.gov
sdosenberg@columbus.gov
anpickerill@columbus.gov
Attorneys for Defendants